

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RAJIB CHOWDHURY

vs.

DANIEL SLATTERY and
BCP TRANSPORTATION, INC.

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§

CIVIL ACTION NO. _____

JURY TRIAL REQUESTED

**DEFENDANTS, DANIEL SLATTERY AND BCP TRANSPORTATION, INC.'S
NOTICE OF REMOVAL**

Defendants, DANIEL SLATTERY and BCP TRANSPORTATION, INC., file this Notice of Removal pursuant to 28 U.S.C. §§1441 and 1446, showing the following basis for removal.

INTRODUCTION

1. Plaintiff, RAJIB CHOWDHURY, filed Plaintiff's Original Petition against Defendants on April 28, 2016, under Cause No. 2016-27634, pending in the 281st Judicial District Court of Harris County, Texas. Citations upon the Defendants were issued on June 2, 2016.

2. Defendant, DANIEL SLATTERY was served with Plaintiff's Original Petition on June 27, 2016.

3. Defendant, BCP TRANSPORTATION, INC. was served with Plaintiff's Original Petition on June 27, 2016.

4. This original Notice of Removal is filed within thirty days of service upon Defendants, the statutory period for removal as required under 28 U.S.C. §1446(b).

JURISDICTION

5. This court has removal jurisdiction over this lawsuit pursuant to 28 U.S.C. §§1441 and 1446, and based upon diversity of citizenship under 28 U.S.C. §1332. Plaintiff, RAJIB CHOWDHURY is domiciled in Texas and is a citizen of that state. Defendant, DANIEL

SLATTERY is domiciled in Wisconsin and therefore a citizen of that state. Further, Defendant, BCP TRANSPORTATION, INC. is incorporated in Wisconsin. Thus, there is diversity of citizenship between Plaintiff and Defendants.

6. Additionally, the amount in controversy exceeds \$75,000, excluding interest and costs consistent with 28 U.S.C. §§1332(a). Plaintiff RAJIB CHOWDHURY alleges the following elements of damages: past and future medical care and expenses, past and future physical pain and suffering, past and future physical impairment, past lost earnings and future loss of earning capacity, past and future disfigurement, and past and future mental anguish. Therefore, based on information and belief, Plaintiff is seeking an amount in excess of this court's jurisdictional minimum of \$75,000.00, excluding interest and costs.

7. All pleadings, process, orders, and other filings in the state court action in the possession of Defendant are attached to this notice as required by 28 U.S.C. §1446(a).

8. Venue is proper in this district under 28 U.S.C. 1391(b)(2) because the sole basis for Plaintiff's suit and claim for damages arose from a motor vehicle accident which happened within the city limits of Houston, Harris County, Texas.

9. Defendants will promptly file a copy of this Notice of Removal with the clerk of the state court where the action has been pending.

JURY DEMAND


10. Defendants hereby makes a demand for a jury trial.

CONCLUSION

For these reasons, Defendants, DANIEL SLATTERY and BCP TRANSPORTATION, INC., therefore gives notice of their removal of this lawsuit to this Court, and an automatic stay of further proceedings in state district court.


Respectfully submitted,

RAMEY, CHANDLER, QUINN & ZITO, P.C.


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Certificate of Service

I hereby certify that a true and correct copy of the foregoing instrument was served upon the parties listed below by facsimile, certified mail, return receipt requested, first class U.S. mail, electronic mail by the clerk of the court, and/or by messenger on the 13th day of July, 2016.


Robert L. Ramey

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